

IDAHO CONTRACTORS BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 2/17/2015

BOARD MEMBERS PRESENT: John Robert Pilote - Chair
Scott Schriber
Gary Robert Bond
Charles Roy Ellis

BOARD MEMBERS ABSENT: Deborah Ann Karren

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, Legal Counsel
Eric Nelson, Board Prosecutor
Mary Miles, Technical Records Specialist I

OTHERS PRESENT: Aaron Martinez
Bradley Welker
Chris Farrell
Christopher Draper
Neil Colwell
Ron Law

The meeting was called to order at 8:45 AM MST by John Robert Pilote.

APPROVAL OF MINUTES

Mr. Schriber made a motion to approve the minutes of 1/20/2015. It was seconded by Mr. Bond. Motion carried.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$150,973.00 as of 1/31/2015. The Board members discussed a possible fee increase and the collection rates for investigative cases. The Board discussed that one of the issues with collections in disciplinary actions is the difficulty of who to hold responsible for an entity that is disciplined. Fee increase

scenarios will be presented to the Board members at the next face to face Board meeting.

The Board formed a subcommittee of Mr. Pilot and Mr. Ellis to look at possible law and rule changes including disciplining entities and fee increases. The subcommittee will research how other states and how other state entities such as the Division of Building Safety deal with disciplining entities.

NATIONAL ASSOCIATION OF STATE CONTRACORS LICENSING AGENCIES UPDATE

Ms. Hall presented an update on the fees that have been paid to NASCLA. The Board will discuss continued membership with NASCLA when the invoice is received for 2015.

EXECUTIVE SESSION

Mr. Schriber made a motion that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Ellis. The vote was: Mr. Schriber, aye; Mr. Ellis, aye; Mr. Bond, aye; and Mr. Pilote, aye. Motion carried.

Mr. Schriber made a motion to come out of executive session. It was seconded by Mr. Ellis. The vote was: Mr. Schriber, aye; Mr. Ellis, aye; Mr. Bond, aye; and Mr. Pilote, aye. Motion carried.

Mr. Schriber made a motion to approve Bradley Welker's application for a contractor registration. It was seconded by Mr. Bond. Motion carried.

Mr. Bond made a motion to approve Farrell Construction LLC's application for a contractor registration. It was seconded by Mr. Schriber. Motion carried.

Mr. Schriber made a motion to deny the application for 901132919. Motion died for lack of a second.

Mr. Ellis made a motion to approve Aaron Martinez's application for a contractor registration. It was seconded by Mr. Bond. Motion carried.

DIGLINE UPDATE

Mr. Collwell and Mr. Law addressed the Board regarding the legislation they are proposing regarding DigLine violations. They have worked with a committee over the past year and are proposing legislation that would create a Board at the Division of Building Safety to oversee DigLine violations. Because there are

multiple stakeholders, they determined that creating a new board made up of those stakeholders, including contractors, would be better than placing the responsibility with an existing board like the Contractor Board as discussed in previous years. Under the current proposal, they said the Contractors Board might be involved with repeat offenders who violate the dig law three times in a two-year period.

Ms. Cory said she had heard that someone was saying that the Contractors Board had been unwilling to work with Mr. Law and Mr. Collwell's group. Mr. Law and Mr. Collwell both said that was not the case and the Board had been very receptive and helpful and that other boards had been unwilling to enforce the DigLine proposal as it was in previous years where the enforcement would lie with the individual boards affected instead of an independent board and that is why the proposal is different this year. Mr. Pilote said the Contractor Board has been willing to do what it can because the members understand the issue of DigLine violations. He said he has mainly been trying to understand how the Board would be affected.

Ms. Cory asked that Mr. Law and Mr. Collwell let legislators know that the Contractor Board and the Bureau have been working with them to find a solution.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said there were two bills going before the Legislature that will affect the Board. One is to clarify that Boards served by the Bureau of Occupational Licenses can recoup attorney fees when a licensee is found to be in violation of the Boards laws and rules in disciplinary cases. The other is regarding renewal and reinstatement processes and collecting fees from prior years of expired licenses or registrations. Mr. Pilot has been assisting meeting with legislators regarding both issues. Rep. Gayle Batt has a contractor constituent who precipitated the changes regarding prior years of expired licenses or registrations.

DISCIPLINE

Mr. Nelson presented a memorandum regarding case numbers CON-2013-93, CON-2013-90, CON-2014-23, CON-2014-33, CON-2013-39, CON-2014-21, CON-2015-9, CON-2013-74, CON-2013-51, CON-2013-80, CON-2013-99, CON-2014-54, CON-2014-257, CON-2014-25, CON-2014-15, CON-2014-22, CON-2014-6, CON-2013-68, CON-2014-16, CON-2014-19, CON-2014-111, CON-2013-89, CON-2014-34, CON-2014-53, and CON-2014-83. After discussion, the Board gave recommendations for appropriate discipline.

CON-2013-68 – Mr. Ellis made a motion to close case CON-2013-68 with a warning letter. It was seconded by Mr. Bond. Motion carried.

CON-2014-16 -- Mr. Ellis made a motion to close case CON-2014-16 with a warning letter. It was seconded by Mr. Bond. Motion carried.

CON-2014-19 -- Mr. Ellis made a motion to close case CON-2014-19. It was seconded by Mr. Schriber. Motion carried.

CON-2014-111 - Mr. Schriber made a motion to close case CON-2014-111 with a warning letter. It was seconded by Mr. Bond. Motion carried.

CON-2013-89 -- Mr. Ellis made a motion to close case CON-2013-89 with a warning letter. It was seconded by Mr. Bond. Motion carried.

CON-2014-34 -- Mr. Schriber made a motion to close case CON-2014-34 with a warning letter. It was seconded by Mr. Bond. Motion carried.

CON-2014-53 -- Mr. Ellis made a motion to close case CON-2014-53 with a warning letter. It was seconded by Mr. Bond. Motion carried.

CON-2014-83 -- Mr. Bond made a motion to close case CON-2014-83 with a warning letter. It was seconded by Mr. Ellis. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Ellis made a motion to approve the Bureau's recommendation and authorize closure in cases I-CON-2014-19, I-CON-2015-80, I-CON-2015-89, I-CON-2015-115, I-CON-2015-119, I-CON-2014-266, I-CON-2014-314, I-CON-2015-79, I-CON-2015-129, I-CON-2014-273, I-CON-2015-64, I-CON-2015-66, I-CON-2015-67, I-CON-2015-75, I-CON-2015-78, I-CON-2015-84, I-CON-2015-85, I-CON-2015-88, I-CON-2015-92, I-CON-2015-98, I-CON-2015-108, I-CON-2015-109, I-CON-2015-110, I-CON-2015-111, I-CON-2015-113, I-CON-2015-114, and I-CON-2015-116. It was seconded by Mr. Bond. Motion carried.

Mr. Bond made a motion to approve the Bureau's recommendation and authorize closure in cases I-CON-2013-13 with a warning letter; I-CON-2013-101; I-CON-2014-17 and I-CON-2014-46 with a warning letter; I-CON-2014-36; I-CON-2014-37; I-CON-2014-51; I-CON-2014-199; I-CON-2014-216; I-CON-2014-260; I-CON-2014-275; I-CON-2014-278; I-CON-2014-286 with a warning letter; I-CON-2014-316; I-CON-2015-19; I-CON-2015-37 with a warning letter; I-CON-2015-51 with a warning letter; I-CON-2015-56; I-CON-2015-81; and I-CON-2015-82. It was seconded by Mr. Ellis. Motion carried.

Mr. Schriber made a motion to close case I-CON-2015-90 with a warning letter. . It was seconded by Mr. Ellis. Motion carried.

OWNER/OFFICER NAME CHANGES

The Board discussed how to handle the list of owners and directors for large corporations or entities. Changes to these registrations can be cumbersome. Ms. Hall, Mr. Ellsworth and Ms. Miles will work on suggestions to bring back to the next Board meeting.

TO DO LIST

The Board reviewed the to do list and no action was taken.

AUDIT UPDATE

Ms. Hall gave an update on the last insurance audit. The costs were approximately \$2,200 to audit 306 files. Mr. Ellis moved to have the Bureau to conduct audits quarterly and to audit at least 1% of contractors randomly. It was seconded by Mr. Bond. Motion carried.

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Mr. Schriber made a motion to come out of executive session. It was seconded by Mr. Bond. The vote was: Mr. Schriber, aye; Mr. Bond, aye; Mr. Ellis, aye; and Mr. Pilot, aye. Motion carried.

APPLICATIONS

Mr. Schriber made a motion to approve the following for licensure:

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| Approved for Licensure | |
| FINITE CONCEPTS LLC | RCE-36601 |
| FIRST IMPRESSION CONSTRUCTION AND SIDING LLC | RCE-38735 |
| JACOBS TELECOMMUNICATIONS INC | RCE-38858 |
| THOMPSON DUSTIN ROBERT | RCT-38635 |
| WALKER DENNIS D | RCT-38915 |

It was seconded by Mr. Ellis. Motion carried.

Mr. Schriber made a motion to deny 901137307 for licensure based on Rule 165.01 and 02i, ii, and iii. It was seconded by Mr. Bond. Motion carried

Mr. Schriber made a motion to approve 901137341 for licensure pending receipt of additional information. It was seconded by Mr. Bond. Motion carried

NEXT MEETING dates were scheduled for 3/17/2015 a conference call at 10:00 AM, 4/14/2015 a conference call at 10:00 AM, 5/19/2015 a face-to-face meeting at 8:30 AM, 6/16/2015 a conference call at 10 AM, 7/21/2015 a conference call at 10 AM, and 8/11/2015 a face-to-face meeting at 8:30 AM.

ADJOURNMENT

Mr. Schriber made a motion to adjourn the meeting at 2:10. It was seconded by Mr. Ellis. Motion carried.

John Robert Pilote, Chair

Deborah Ann Karren

Scott Schriber

Gary Robert Bond

Charles Roy Ellis

Tana Cory, Bureau Chief